

REMARKS/ARGUMENTS

No claims have been amended. Claims 42, 43, 48-50, and 54-68 remain pending in the application. Applicants respectfully request reexamination and reconsideration of the application.

Initially, Applicants note the Examiner's concern that the priority claim to U.S. application serial no. 08/802,054, filed February 18, 1997 (now U.S. Patent No. 6,482,013) was not properly made because reference to the foregoing parent application was allegedly not made as required by 37 CFR 1.78(a)(2) or 1.78(a)(5). The specification of the present application was, however, amended to claim priority as a divisional application to serial no. 08/802,054, which meets the requirements of 37 CFR 1.78(a)(2) or 1.78(a)(5). The amendment to the specification was made in paragraph 2 of the "Utility Patent Application Transmittal" filed with the present application on December 29, 2000. Thus, priority as a divisional application was properly claimed, entitling the present application to the filing date of application serial no. 08/802,054 (which is February 18, 1997). The present application is also entitled to all of the CIP priority claims made in parent application serial no. 08/802,054 and repeated in the present application. (See page 1 of the specification.)

Claims 42, 43, 48-50, and 54-68 were rejected under 35 USC 102(b) as anticipated by WO 96/37332 (hereinafter the '332 application). Applicants respectfully traverse this rejection.

The present application claims priority as a continuation-in-part to the '332 application (whose application number is PCT/US96/08107). (See page 1 of the specification.) If the '332 application anticipates claims 42, 43, 48-50, and 54-68 as is alleged in the Office Action, then the '332 application fully supports each of those claims, and each of those claims is entitled to the filing date of the '332 application. Therefore, the '332 application is not prior art to claims 42, 43, 48-50, and 54-68, and the rejection of those claims as anticipated by the '332 application should be withdrawn.

The present application has also been provisionally rejected under USC § 101 over application serial no. 09/846,490 (herein after the '490 application). Applicants file with this paper a Terminal Disclaimer with regard to the '490 application, which overcomes the double patenting rejection. Therefore, the double patenting rejection is now moot.

As a final note, Applicants have filed five Information Disclosure Statements that, according to PAIR, were received at the PTO on the following dates: June 11, 2001; June 14,

2001; April 22, 2002; March 17, 2003; March 11, 2004. Applicants filed a sixth Information Disclosure Statement on August 4, 2004, and Applicants received a return postcard indicating that the sixth Information Disclosure Statement was received at the PTO on August 6, 2004. Only the list of references from the June 11, 2001 Information Disclosure Statement has been returned to Applications, yet three of the foreign references were not initialed. None of the other five Information Disclosure Statements has been returned to Applications. Applicants request that:

- (1) all of the foreign references listed in the Information Disclosure Statement of June 11, 2001 be initialed, and the listing returned to Applicants, and
- (2) the list of prior art from the other five Information Disclosure Statements be initialed and returned to Applications.

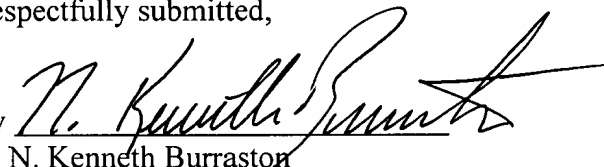
Upon request, Applicants will resubmit copies of each of the six Information Disclosure Statements filed in this application and the three foreign references whose listing was not initialed.

In view of the foregoing, Applicants submit that all of the claims are allowable and the application is in condition for allowance. If the Examiner believes that a discussion with Applicants' attorney would be helpful, the Examiner is invited to contact the undersigned at (801) 323-5934.

Respectfully submitted,

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By



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